

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

DELWIN MCGEE

PLAINTIFF

VS.

CIVIL ACTION NO. 5:14-cv-90(DCB)(MTP)

DOLGENCORP, LLC

DEFENDANT

ORDER

This cause is before the Court on the defendant Dolgencorp, LLC'S Motion in Limine (**docket entry 18**) to exclude certain medical evidence at trial and to limit the introduction of other medical evidence by the plaintiff.

In its motion, the defendant states that time for discovery has expired, as has the expert designation deadline; that the plaintiff has not produced any evidence of future medical treatment or future medical expenses; and that the defendant has not designated an expert witness on future medicals since the plaintiff has not produced evidence on these issues. The defendant also seeks to limit the plaintiff's evidence on past medical expenses, and states that the plaintiff obtained no expert report from his treating physician, made no initial disclosures, and did not respond to the defendant's requests for production of documents.

In response, the plaintiff filed a motion for leave to take a de bene esse or trial deposition of Dr. Morteza Shamsnia on January 15, 2016. Magistrate Judge Michael T. Parker held a pretrial conference on January 13, 2016, during which he deferred entry of

the pretrial order and continued this case to the next term. See Minute Entry of January 13, 2016. Magistrate Judge Parker denied the plaintiff's motion to take deposition without prejudice as moot, and further extended the expert designation deadlines for both plaintiff and defendant. The pretrial conference is now set for May of 2016, and the trial is set for June of 2016.

In light of the foregoing,

IT IS HEREBY ORDERED that the defendant Dolgencorp, LLC'S Motion in Limine (**docket entry 18**) is MOOT.

SO ORDERED, this the 3rd day of February, 2016.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE